

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14284, of Linsdorff Associates Limited Partnership, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the height requirements (Sub-section 5201.1) for the renovation of an existing seven story building and an eighth floor addition in a C-3-C District at premises 1313 and 1317 Connecticut Avenue, N.W., (Square 137, Lots 44 and 45).

HEARING DATE: May 8, 1985
DECISION DATE: June 5, 1985

FINDINGS OF FACT:

1. The subject site is located in the C-3-C District at the northwest corner of the intersection of Connecticut Avenue, 18th and N Streets, N.W., and is within the Dupont Circle Historic District. The site is improved with a seven story office building, 1313 Connecticut Avenue, and a three story commercial building, 1317 Connecticut Avenue.

2. The seven story building was built in 1917, and is of the eclectic design. The three story townhouse was built in 1923. It will be connected with the larger building as a part of the renovation of both buildings to form a single structure. That portion of the renovation which is under consideration by the Board in this application is limited to the existing seven story building. The existing building is of an unusual triangular configuration, commonly referred to as a "flat iron" building.

3. The applicant intends to construct a partial eighth floor addition on top of the existing seven story building. The parapet of the existing building is at a height of eighty-four feet. The roof of the seventh floor is at a height of eighty-two feet. The eighth floor addition will be set back a distance of between seven and forty feet from the existing property line.

4. A height of ninety feet is permitted in the C-3-C District, with an additional height of 18.5 feet for a roof structure, for an overall permitted height of 108.5 feet. Because of the floor-to-floor heights in the existing sixty-five year old building, the roof of the proposed eighth floor addition will be 3.5 feet over the permitted height of the building, and the parapet will be four feet over the ninety foot height. The roof structure, which is

permitted to a height of 18.5 feet, will be 12.5 feet in height. The building and roof structure together will be 106.5 feet in height, which is lower than the maximum overall permitted height of buildings and roof structures in the C-3-C District. A variance of four feet in the height requirements is requested in the subject application.

5. The proposal has received conceptual design approval from the Historic Preservation Review Board, pending approval by this Board. The building has been certified by the Mid-Atlantic Regional Office of the National Park Service as contributing to the character of the Dupont Circle Historic District, and therefore is eligible for a twenty-five percent tax credit for a certified rehabilitation. Application has been made for approval of the rehabilitation proposal, and is currently under review by the State Historic Preservation Office.

6. The existing old building on the site is located in the Dupont Circle Historic District, and has been found to contribute to the character of the historic district. As such, any exterior alteration of the building is subject to review and approval by the Historic Preservation Review Board. The subject structure was originally built to a height of seven stories and eighty-four feet at the parapet and predated the current Zoning Regulations. The building fronts on Connecticut Avenue, which is 130 feet in width.

7. The existing floor-to-floor heights in the building are unusually large for a building of this type. The floor-to-floor height at the ground level is over 15.5 feet, with an eleven foot height on floors two through six, and a twelve foot height on floor seven. The building is of a steel frame construction, with a terra cotta jack arch slab. As a result, the floors are twelve inches thick, whereas a typical poured concrete slab in a modern building is eight inches thick. This unusual construction technique, before the advent of the current Zoning Regulations, also contributes to the excessive floor-to-floor heights.

8. The strict application of the Zoning Regulations would require the property owner to substantially or totally demolish the existing building, in order to rebuild the structure with the necessary floor-to-floor height to accommodate an eight story building on the site. The existing ground level has a floor-to-floor height of almost sixteen feet, whereas 12.5 feet is the standard height. To accomplish this realignment of the floor-to-floor height would require a substantial demolition of portions of the interior of the structure, and realignment of the window openings on the exterior of the building to accommodate the lower floor levels. Such massive interior and exterior renovation work would be prohibitively expensive. It would also severely compromise the historic integrity of the

structure, because of the massive extent of necessary demolition work to the band of limestone at the seventh floor level to adjust the window openings. The only other option would be to totally demolish the structure, and to rebuild an eight story building on the site. These options are not likely to be approved, because the property is located in the Dupont Circle Historic District, and has been found to contribute to the character of the historic district.

9. Because of the steel frame and terra cotta slab construction of the building, the new eighth floor cannot be constructed using a heavy concrete flat slab of eight inches for the roof of the top story. Rather, a lighter steel frame must be used. This requires a depth of the top layer of two feet for the steel beams, as opposed to a depth of eight inches for the concrete slab. This additional depth adds to the necessity of variance relief.

10. The applicant is unable to construct an eighth floor on the existing building within the limits of the Zoning Regulations. The top floor of the building is proposed for a floor-to-floor height of 11.5 feet, 2.5 feet of which will be devoted to structure and mechanical systems. The construction of the addition within the limits of the Regulations would result in a maximum finished ceiling height of only six feet on the top story, which is below the minimum ceiling height requirement for habitable space in the D.C. Building Code.

11. The proposed eighth floor addition has been designed to complement the architecture of the existing building, as well as to capture the spirit of the adjacent historic district. The eighth floor addition and the penthouse together will result in a building that is lower than an overall matter-of-right eight story building on the site. This is because the penthouse has been designed to be only 12.5 feet in height, as opposed to 18.5 feet as permitted under the Zoning Regulations.

12. The new eighth floor addition is designed to step back a distance of between seven and forty feet from the existing property line at the seventh floor roof level, and will be less prominent than would an addition that was built to the building line. The sight line study included in the plans for the project demonstrates that the placement of the eighth floor in this manner will result in minimal impacts to the surrounding streets and surrounding properties.

13. The area around the subject site includes many buildings which are taller than the proposed structure. Directly across Connecticut Avenue from the subject site are the Dupont Circle Building, which is built to a height of 130 feet, and the Machinists' PUD building, at a height of

118 feet along Connecticut Avenue. To the west, across 19th Street, is 1333 New Hampshire Avenue, which is also built to a height of 130 feet. To the south are St. Mathew's Church, which is over 100 feet in height, and 1201 Connecticut Avenue (Longfellow Building), over ninety feet in height. The subject site is surrounded by buildings of ninety feet in height, with roof structures of 18.5 feet in height, including 1225 Connecticut Avenue, 1250 Connecticut Avenue, the National Association of Broadcasters building at the northeast corner of 18th and N Streets, 1752-56 N Street, 1800 Massachusetts Avenue, and the ten story Palladium apartment and office building at 1325 18th Street.

14. A representative from Advisory Neighborhood Commission 2B read the ANC report into the record. No written report was timely filed by the ANC. The ANC representative testified that:

- A. A grant of variance relief in this case would be a precedent for other property owners in the same block to seek a similar height increase;
- B. The present height of buildings in the 1300 block of Connecticut Avenue should be maintained;
- C. The applicant did not demonstrate a hardship, and
- D. There is no indoor parking provided in conjunction with the project.

15. The Board is required to give great weight to the written report of an ANC which addresses issues and concerns about the application as related to the standards for variance relief in the case. The Chair ruled that the ANC representative could read the report into the record, but that it would not be accorded great weight because it did not comply with the Supplementary Rules of Practice and Procedure before the BZA. The verbal testimony of the ANC is therefore not entitled to great weight.

16. The Board does not concur with the issues raised by the ANC for the following reasons:

- A. Each application to the Board for relief is judged on its own merits according to the particular circumstances of the case.
- B. Based upon the evidence and testimony, over fifty percent of the 1300 block of Connecticut Avenue is improved with buildings which are taller than the subject building will be even after the eighth floor section is added.

- C. The applicable burden for relief is not "hardship" but rather "practical difficulty".

17. The Dupont Circle Conservancy voted to support the design concept of the project. The minutes of the meeting where this vote was taken were entered into the record.

18. The Connecticut Avenue Association supported the application in writing. It reported that the renovation was esthetically acceptable and consensus was that the addition would not impact unfavorably on the area.

19. The Dupont Circle Citizens Association voted not to oppose the application. The minutes of the meeting where this vote was taken were entered into the record.

20. Mrs. Harriett Hubbard purported to appear as a representative of the Residential Action Coalition (RAC) and testified in opposition to the application. She stated that the applicant had not met the burden of proof, that the site was zoned SP-1, rather than C-3-C, that the proposed use was a proper issue for the Board to consider, that the standard for review of this area variance application was "undue hardship," rather than "practical difficulty," and that the subject structure does not contribute to the character of the historic district.

21. Mrs. Hubbard did not produce at the public hearing any written authority to represent RAC before the BZA in this case, nor was there any written basis from RAC setting forth the points for which testimony was given. Mrs. Hubbard was directed to submit written authority to present the views of RAC to the BZA in this application, as well as the minutes of the RAC meeting where the subject application was discussed, the vote on the application, and the issues concerning the application upon which the RAC representative was authorized to give testimony. No such evidence was submitted, and the letter of authorization did not identify the authority of the author, nor did it identify the issues upon which the opposition was based. Therefore, the Board treats the testimony of Mrs. Hubbard as her own views, and not those of RAC. Nonetheless, the Board finds that the Zoning Regulations and Zoning Map, and the evidence and testimony submitted in this application, do not support the position of Mrs. Hubbard.

22. A letter from a unit owner in the ten story Palladium was filed in opposition to the application, on the basis that the addition would obstruct the view from a number of units in the building, and would therefore depreciate the value of the entire building. No probative evidence was presented to substantiate this claim. No scenic easement protecting views was filed of record.

CONCLUSIONS OF LAW AND OPINION:


Based on the record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief will not cause substantial detriment to the public good of the zone plan. The Board concludes that the applicant has met its burden of proof. The practical difficulty is inherent in the land because of its physical conditions as to shape and size. The age and historic status of the structure also adds to the practical difficulty.

The Board further concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 3-0 (Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to grant; John G. Parsons not voting, not having heard the case; Douglas J. Patton not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

16 AUG 1985

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14284order/LJPF